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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,254	11/01/2000	Blaine Garst	19004-009002	3557
26183 7590 02/04/2011 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
AGWUMEZIE, CHARLES C				
ART UNIT		PAPER NUMBER		
3685				
NOTIFICATION DATE		DELIVERY MODE		
02/04/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

09/704,254

Applicant(s)

GARST ET AL.

Examiner

CHARLES C. AGWUMEZIE

Art Unit

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 148-174 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 148-174 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG-06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Page No(s)/Mail Date 11/100, 2/9/04

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 10, 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 148-155, 157-164, 166-173**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer U.S. Patent No. 5,412,717 in view of Peek U.S. Patent No. 5,481,706

4. As per **claims 148, 157 and 166**, Fischer discloses a method, comprising:
receiving, using one or more processors, a resource library, wherein the resource library includes an embedded text string specifying one or more use terms corresponding to the resource library, and wherein the resource library includes an

embedded unique key mathematically derived from the text string using a private key (see fig. 2, which shows specific rules associated with the library resource; see fig. 3B and 3C, which shows that the authorizing program info is embedded in the resource; see col. 7, lines 40-67, which discloses that the program authorization information 110 is embedded with a program 112);

separately receiving a copy of the text string and a copy of the unique key and embedding the copy of the text string and the copy of the unique key within an application (see col. 7, lines 40-67, which discloses that the program authorization information 110 is embedded with a program 112; col. 8, lines 25-45);

running the application, wherein running includes extracting the text string and the unique key from the resource library, verifying the authenticity and state of the text string using the unique key, and determining whether the application is authorized to use the resource library by examining the one or more terms specified in the extracted text string and the one or more terms specified in the copy of the text string embedded within the application, wherein when the one or more terms are satisfied, the application is authorized to use the resource library (see col. 2, lines 35-45, which discloses that whenever the system monitor runs the program, the PAI for that program is likewise loaded and monitored. When the program is to perform a function or access a resource, the associated PAI is monitored to confirm that the operation is within the defined program limits. If the program attempts to do anything outside the authorized limits, then the program execution is halted); and

unlocking the resource library when the application is authorized, wherein unlocking includes allowing the authorized application to access the resource library.

5. What Fisher does not explicitly teach is

unlocking the resource library when the application is authorized, wherein unlocking includes allowing the authorized application to access the resource library

6. Peek discloses the method comprising:

unlocking the resource library when the application is authorized, wherein unlocking includes allowing the authorized application to access the resource library (col. 10, lines 35-45, which discloses that Upon return of the function, wrapper code executes in response to the return to thereby unlock the global lock which locked the function, 102. After the lock has been released, return of control is provided to the application program to permit execution of a subsequent call caused by a next thread, 104)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Fischer and incorporate the method comprising unlocking the resource library when the application is authorized, wherein unlocking includes allowing the authorized application to access the resource library in view of teachings of Peek in order to ensure adequate security of the resource.

7. As per **claims 149, 158 and 167**, Fischer further discloses the method, wherein verifying the state includes determining that the text string does not include an unauthorized modification (see col. 2, lines 1-5; col. 5, lines 30-35)

8. As per claims 150, 159 and 168, Fischer further discloses the method, wherein the application is authorized because a site term is satisfied (col. 2, lines 35-45).
9. As per claims 151, 160 and 169, Fischer further discloses the method, wherein when a term is not satisfied, an error message is generated, the application is not authorized, and access to the resource library is denied (col. 2, lines 35-45, halted).
10. As per claims 152, 161 and 170, Fischer further discloses the method, wherein the unique key includes a digital signature, and wherein the digital signature uses a message digest generated by passing the text string through a one-way encryption process (col. 5, lines 30-35; col. 5, lines 55-65).
11. As per claims 153, 162 and 171, Fischer further discloses the method, wherein the one-way encryption process is a hashing routine (col. 5, lines 30-35).
12. As per claims 154, 163 and 172, Fischer further discloses the method, wherein the digital signature is verified by performing an algorithmic process using a public key (col. 6, lines 25-60).
13. As per claim 155, 164 and 173, Fischer failed to explicitly disclose the method, wherein the resource library is an application program interface (API).

Peek discloses the method, wherein the resource library is an application program interface (API) (col. 2, lines 55-65).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Fischer and incorporate the method, wherein the resource library is an application program interface (API) in view of teachings of Peek in order to define the class of library used in the implementation

14. Claims 156, 165, and 174, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer U.S. Patent No. 5,412,717 and Peek U.S. Patent No. 5,481,706 as applied to claims 148, 157 and 166 above, and further in view of Cuomo et al (hereinafter "Cuomo") U.S. patent No. 6,523,170 B1.

15. As per **claims 156, 165 and 174**, Fischer failed to explicitly disclose the method, wherein the resource library is a Java applet.

Cuomo discloses the method, wherein the resource library is a Java applet (col. 5, lines 25-40).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Fischer and incorporate the method, wherein the resource library is a Java applet) in view of teachings of Cuomo in order to define the class of library used in the implementation

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Charles C. Agwumezie** whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Calvin Hewitt** can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
December 21, 2010